

Meeting Date: 10/14/08



AGENDA REPORT

City of Santa Clara, California

Agenda Item # 8A



DATE: October 8, 2008
TO: City Manager for Council Action
FROM: Director of Public Works/City Engineer
SUBJECT: Public Hearing for Adoption of a Resolution Establishing Permit Requirements for Overweight and Oversize Vehicles and Permit Fees

EXECUTIVE SUMMARY:

Pursuant to the California Vehicle Code, the City may regulate the transportation of overweight and oversize vehicle loads. The purpose of the establishment of a permit fee and procedure is to protect City streets from unnecessary degradation and to protect the health, safety and welfare of the community. Staff prepared the required cost justification study and procedure associated with the fee and found that revenue generated by said fee will not be in excess of the estimated total cost incurred by the City in administering the overweight and oversize vehicle permit. The City Council may from time to time increase the permit fee by resolution. However, the fee may not exceed the most current fee established by the California State Department of Transportation. The study and procedure are available for viewing at the City of Santa Clara City Hall Department of Public Works - Engineering located at 1500 Warburton Avenue in Santa Clara, California, during normal business hours. The attached Resolution has been approved by the City Attorney.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The new overweight and oversize vehicle permit fee would allow the City to recover the cost incurred by the City in administering the oversize and overweight vehicle permit.

ECONOMIC/FISCAL IMPACT:

The oversize and overweight vehicle permit fee amount is set at cost recovery.

RECOMMENDATION:

That the Council:

1. Conduct a public hearing to adopt a Resolution establishing the overweight and oversize vehicle loads permit fee and procedure at sixteen dollars (\$16.00) per single trip and ninety dollars (\$90.00) per year.
2. Adopt a Resolution establishing the overweight and oversize vehicle loads permit fee and procedure at sixteen dollars (\$16.00) per single trip and ninety dollars (\$90.00) per year.

A handwritten signature in cursive script, reading "Rajeev Batra".

Rajeev Batra
Director of Public Works/City Engineer

Approved:

A handwritten signature in cursive script, reading "Jennifer Sparacino".
Jennifer Sparacino
City Manager

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SANTA CLARA, CALIFORNIA, ESTABLISHING PERMIT
REQUIREMENTS FOR OVERWEIGHT AND OVERSIZE
VEHICLES AND A FEE FOR SUCH PERMITS**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA,
CALIFORNIA, AS FOLLOWS:**

WHEREAS, the City of Santa Clara seeks to establish a permit requirement for the transportation of oversize and overweight vehicle loads pursuant to California Vehicle Code Section 35795; and

WHEREAS, the purpose of establishing a permit fee and procedure is to protect City streets from unnecessary degradation due to overweight and oversize wheel loads on the pavement or damage to existing facilities caused by overweight and oversize vehicle width or height, and thereby protecting the health, safety, and welfare of the community; and

WHEREAS, pursuant to California Vehicle Code Section 35795, the City prepared a fee study (attached as Exhibit A) regarding the basis for the fee, and the Council hereby finds that the revenue generated by the fee will not be in excess of the estimated total cost incurred by the City in administering the overweight and oversize vehicle permit; and

WHEREAS, pursuant to Government Code Section 6064, notices for a public hearing were published four times in the Santa Clara Weekly on September 3, 2008, September 10, 2008, September 17, 2008, and September 24, 2008; and

WHEREAS, a properly noticed public hearing on Permit Requirements for Overweight and Oversize Vehicles and a Fee for Such Permits was held on October 14, 2008, at which time and place City Council heard from interested parties and considered all matters and things pertaining thereto.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:**

1. The City of Santa Clara hereby establishes a permit requirement and fee for overweight vehicle(s) or oversize vehicle loads on City streets.

2. The City of Santa Clara hereby establishes the following fees:

A single trip fee of sixteen dollars (\$16.00), and an annual fee of ninety dollars (\$90.00).

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3. Effective Date: This fee shall be effective immediately upon passage.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Santa Clara hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF _____, 200__, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:
Exhibit A: Fee Study

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EXHIBIT A

FEE STUDY

OVERWEIGHT AND OVERSIZE VEHICLE LOADS

The City of Santa Clara established a permit fee for transporting overweight vehicle(s) or oversize vehicle loads on City streets. The fees are \$16 for a single trip, and an annual fee of ninety dollars (\$90.00). The City Council may from time to time increase the permit fee. However, pursuant to the Public Resources Code, the fee may not exceed that most current fee established by the California State Department of Transportation or the City's actual cost to administer the program.

California Vehicle Code, section 35795 requires a cost justification study associated with said fee. This study found that revenue generated by said fee will not exceed the estimated total cost incurred by the City in administering the overweight and oversize vehicle permit, as follows:

The Traffic Engineering Division issues permits to individuals, trucking companies, or other companies that need to move an overweight or oversized load through the City of Santa Clara. The applicant will submit an application for review and approval before permit issuance. The Traffic Engineering Division will review the application for completeness, including information on load, height, width, length, weight, route, and date. The route is reviewed for clearance of overpasses and bridges. Alternate routes, hours of operation, pilot cars, and other restrictions may be imposed by the Traffic Engineering Division. The remittance check is reviewed for correct amount, correct agency (City, not County) and for signature. The permit is assigned a number and signed by Traffic Engineering Division staff, and issued to the applicant. Police Department staff will be responsible for enforcement of the requirements of the permit.

Processing time for each individual permit is approximately 30 minutes. The pay scale of the Traffic Engineering Division staff member is \$32¹ per hour or greater, therefore the administration of an individual permit equals or exceeds \$16.

Processing time for each annual permit is approximately three hours. The pay scale of the Traffic Engineering Division staff member is \$32 per hour or greater, therefore the administration of an annual permit equals or exceeds \$90.

In the Fiscal Year 2007-08 the Traffic Engineering Division issued 386 single overweight or oversize vehicle load permits and 73 yearly permits. The total fee collected was \$12,026. The cost incurred by the City to process these permits is estimated at \$12,464.



Rajeev Batra
Director of Public Works/City Engineer

10. 8. 08

Date

¹ The hourly rate for staff reflects cash salary only and does not include any other benefit costs incurred by the City.

CITY OF SANTA CLARA
AGENDA MATERIAL ROUTE SHEET

Council Date: 10-14-08

SUBJECT: Resolution for Overweight and Oversize Vehicle Loads

CERTIFICATION

The proposed Resolution regarding Overweight and Oversize Vehicle Loads has been reviewed and is hereby certified.

PUBLICATION REQUIRED:

The attached Notice/Resolution/Ordinance is to be published _____ time(s) at least _____ days before the scheduled meeting/public hearing/bid opening/etc., which is scheduled for _____, 200__.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

Title _____ U.S.C. § _____
(Titles run 1 through 50)

California Codes:

Code _____ § _____
(i.e., Government, Street and Highway, Public Resources)

Federal Regulations:

Title _____ C.F.R. § _____
(Titles run 1 through 50)

California Regulations:

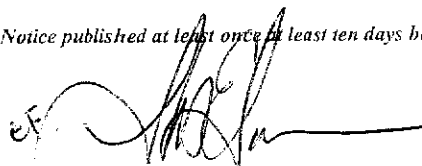
Title _____ California Code of Regulations § _____
(Titles run 1 through 28)

City

City Charter § _____ (i.e., 1310. Public Works Contracts. Notice published at least once at least ten days before bid opening)

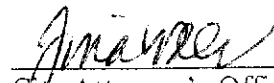
City Code § _____

1. As to City Functions, by

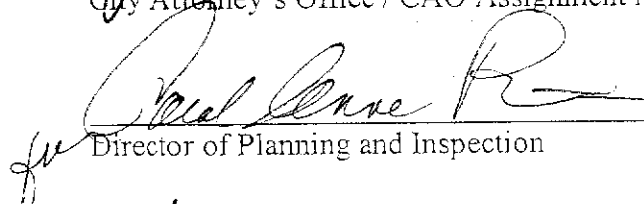

FOR DPW

Department Head

2. As to Legality, by


City Attorney's Office / CAO Assignment No 08. 0581

3. As to Environmental
Impact Requirements, by



Director of Planning and Inspection

4. As to Substance, by



City Manager

Revision Date June 7, 2005

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA

NOTICE OF PUBLIC HEARING ON RESOLUTION ESTABL

PERMIT REQUIREMENTS FOR OVERWEIGHT AND OVERSIZE VEHIC

State of California, }
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expressing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 9/3, 9/10, 9/17, 9/24/2008

Dated at Santa Clara, California

This 25TH day of SEPTEMBER, 2008

I declared under penalty of perjury that the foregoing is true and correct.

Signed:  (Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

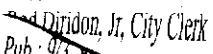
NOTICE OF PUBLIC HEARING ON RESOLUTION ESTABLISHING PERMIT REQUIREMENTS FOR OVERWEIGHT AND OVERSIZE VEHICLES AND A FEE FOR SUCH PERMITS

NOTICE IS HEREBY GIVEN that the City of Santa Clara has fixed October 14, 2008, at 7:00 P.M., or as soon as the matter may be heard, in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California, as the date, time and place of the Public Hearing on a resolution Establishing Permit Requirements for Overweight and Oversize Vehicles and a Fee for Such Permits Pursuant to California Vehicle Code Section 35795. Overweight or oversize vehicles are defined by statute and generally include loads in excess of 8.5 feet wide, loads in excess of 40 feet in overall length, or loads in excess of 20,000 pounds on any one axle of a vehicle. The specific criteria can be found at Vehicle Code Sections 35100(a), 35400(a) and 35550(a) respectively.

The City of Santa Clara is proposing to establish the following fees for overweight or oversize vehicles using City streets: Single trip permit or rider, \$16.00; Annual permit, \$90.00, as provided by Vehicle Code Section 35795(b).

The text of the resolution and the accompanying report analyzing and calculating these proposed rates are available for viewing and/or copying in the Office of the City Clerk, City Hall, 1500 Warburton Avenue, Santa Clara, California 95050.

Americans with Disabilities Act (ADA)
The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-800-955-3000. Sign language interpretation, translation into languages other than English, and interpretation for persons with visual impairments are available. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency. For more information, contact City's ADA office at 408-615-3000.


Pub: 9/3, 9/10, 9/17, 9/24/2008